

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

KEVIN L. WATSON

Plaintiff

v.

Case No. 7:18CV545

GRAYSON COUNTY HIGH SCHOOL

Defendant

**REPLY MEMORANDUM IN SUPPORT OF THE PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS**

INTRODUCTION

Plaintiff, Kevin L. Watson, hereby submits its Reply Memorandum in Support of Opposition to Defendant's Motion to Dismiss the Complaint. The Plaintiffs Complaint meets the standards governing the form of a complaint as required by Federal Rule of Civil Procedure 8(a). Specifically, this Court has personal jurisdiction over the Defendant, and the complaint sufficiently alleges causation and harm. Accordingly, Defendant's motion should be denied.

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JAN 02 2019

DUDLEY, CLERK
DEPUTY CLERK

ARGUMENT

The Defendant states the position was only offered to a female applicant after the first choice applicant declined the position, however, the female applicant did not apply to the initial posting of the position. Only the first choice applicant and the Plaintiff, who are both males, applied to the initial posting of the position. After the first choice applicant declined the position, it was explained to the Plaintiff by Grayson County Public Schools Human Resources Supervisor Janice H. Linker that the position must be reposted and the process must start over because the applicant had already been approved by the School Board. When the position was reposted, the Plaintiff was required to inform the school that he was reapplying for the position. The fact that the Plaintiff was required to reapply proves the process to fill the position did start over. When the process to fill the position started over, the female applicant and the Plaintiff applied for the position. During this hiring process, the gender discrimination occurred, as explained in the Plaintiff's Complaint.

In summation, there were two separate hiring processes. Discrimination did not occur during the initial hiring process, however, it did occur during the second hiring process, as explained in the Plaintiff's Complaint. For this reason, the Defendant's claim that the position was initially offered to a male must be dismissed because that offer was made during a separate hiring process.

According to statements made by Grayson County Superintendent Kelly Wilmore, he met with the interview team before meeting with the Plaintiff and making gender comments, explained in the Plaintiff's Complaint. Therefore, Mr. Wilmore did have knowledge of the reasons for the team's recommendation.

The Defendant claims that statements by Mr. Wilmore are insufficient to establish a claim for sex discrimination because the statements are speculation by an individual who was not the final decision maker and not part of the interview team, however, it is Mr. Wilmore who makes the final decision of whose name is presented to the School Board, not the interview team. According to Mrs. Linker, Mr. Wilmore does not have to except the interview team's selection, he may choose another applicant. Therefore, Mr. Wilmore, who made the gender

comments, makes the final decision of whose name is presented to the School Board. And these gender comments have not been disputed by the Defendant.

Some examples of these gender comments are; "they were looking for a female coach," "you can't help you're not a female," and "aspect of a female coach," as explained in the Plaintiff's Complaint. Mr. Wilmore's gender comments and other comments are recorded and will be presented as evidence.

CONCLUSION

For the foregoing reasons and all the others discussed in the Plaintiff's Complaint, the present Motion to Dismiss should be denied.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Kevin L. Watson" followed by "pro se" in a cursive script.

Kevin L. Watson, "pro se"

7603 Carsonville Road

Independence VA 24348

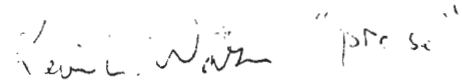
(276) 233-3798

kwatson@graysoncountyva.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2018, a true and correct copy of the foregoing was served by first class U. S. mail, postage prepaid to the following:

Clerk, U. S. DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2018, a true and correct copy of the foregoing was served by first class U. S. mail, postage prepaid to the following:

Grayson County High School
Grayson County School Board
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December, 2018, a true and correct copy of the foregoing was served by first class U. S. mail, postage prepaid to the following:

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